

REMARKS

Applicants respectfully request consideration in view of remarks set forth fully below. Claims 1, 5, 7, 9-12, 21-28, and 35-37 were previously pending in the present application. Of the above Claims, 1, 5, 21-28, and 35-37 have been withdrawn from consideration. Within the Office Action, Claims 7 and 9-12 were rejected.

Double Patenting Rejection

Within the Office Action, Claims 7 and 9-12 were rejected on the grounds of nonstatutory obviousness-type double patenting over Claims 1, 25, and 30 of United States Patent No. 6,263,362. To overcome this rejection, the Applicants submit a terminal disclaimer in compliance with 37 C.F.R. § 1.321(b).

Submittal of a Declaration under 37 CFR 1.131(b)

Affidavits under 37 CFR 1.131 are submitted herewith to establish invention of the subject matter of the rejected claims prior to the effective date of Hemphill and Ahmad, and thereby remove Hemphill and Ahmad as a prior art references.

The relevant dates to overcome are Ahmad's U.S. Application filing date of October 9, 1997 and Hemphill's U.S. Application filing date of June 11, 1998.

The enclosed declarations establish conception of the invention as early as September 17, 1997, along with diligence in reducing the invention to practice from September 17, 1997 through September 1, 1998, the filing date of United States Provisional Patent Application 60/098,798, to which this application claims priority.

Claim Rejections under 35 U.S.C. § 103(a)

Within the Office Action, Claims 7 and 9-11 were rejected under 35 U.S.C. §103(a) as being anticipated by United States Patent Publication No.: 6,167,448 to Hemphill (hereinafter referred to as "Hemphill") in view of United States Patent No. 6,029,258 to Ahmad (hereinafter referred to as "Ahmed").

The Applicant respectfully traverses this rejection, because the enclosed declarations filed in compliance with 37 C.F.R. § 1.131(b) remove Hemphill and Ahmad as prior art. Accordingly, the rejection based on the proposed and hypothetical combination of Hemphill and Ahmad is moot.

For this reason, the Applicants respectfully request that the rejections based on 35 U.S.C. § 103 be withdrawn. Accordingly, Claims 7 and 9-11 are all in condition for allowance.

Conclusion

As set forth above, all of the rejections as been overcome. Therefore claims 7 and 9-11 are in condition for allowance and an early issuance of a Notice of Allowance would be appreciated.

Should the Examiner have any questions regarding the application, he is respectfully urged to contact Applicant's attorney at (650) 474-8400.

Respectfully submitted,



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